REMARKS

Claims 1-4 and 7-46 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

I.   INTERVIEW SUMMARY

Applicants wish to thank the Examiner for the interview conducted on February 3, 2009. During the interview, the Examiner and Applicants' attorney discussed the outstanding rejections of the independent claims under U.S.C. § 103. The specific matters discussed during the interview are addressed in the Remarks below.

II.   REJECTIONS UNDER 35 U.S.C. § 112

Claims 1 – 46 stand rejected to under 35 U.S.C. § 112, first paragraph, as failing to comply with enablement requirement. Specifically, the Examiner asserts that Applicants have claimed a first and second state of the print mechanism but that in the specification or the drawings the Applicants fail to either explain or disclose what the first and the second state is referring to. This rejection is respectfully traversed.

Applicants believe that the Claims as previously presented were properly supported by the application as filed. Regardless, Claims 1, 9, 10, 17, 27, and 30 have been amended in the self-explanatory manner seen above thereby obviating this rejection. Therefore, reconsideration and withdrawal of the § 112, first paragraph rejections against Claims 1, 9, 10, 17, 27, and 30 and their respective dependent Claims is respectfully requested. The amendment to the Claims should not be interpreted in any way as acquiescence to the rejection.

Claims 10-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner asserts that that the recitation of the limitation "the third state" in Claim 10 lacks antecedent basis. This rejection is respectfully traversed.

Claim 10 has been amended in the self-explanatory manner seen above thereby obviating this rejection. Therefore, reconsideration and withdrawal of the § 112, second paragraph rejection against Claim 10 and its dependent Claims is respectfully requested.

III.   REJECTIONS 35 U.S.C. § 102

Claims 1-4, 7-9, 17, and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,231,369 to Hirabayashi. Applicants respectfully traverse these rejections for at least the reasons set forth below.

1. Hirabayashi fails to teach or suggest causing a processor to operate a print mechanism in a first and a second state as recited in independent Claim 1.

Independent Claim 1 recites a system having a processor and at least one memory comprising software, the software when executed performing a functionality for a print mechanism where the memory further comprises instructions to executable by the processor to cause the processor to:

> operate the print mechanism in accordance with a first state, **the first state disallowing execution of the software so that the print mechanism does not include the functionality**; receive user selection information indicative of a second state, **the second state allowing execution of the software so that the print mechanism includes the functionality**... and operate the print mechanism in accordance with the second state, wherein **the print mechanism is not configured to execute the software in order to perform the functionality while in the first state**.

Emphasis added. Hirabayashi fails to disclose or suggest these features.

In the rejection, the Examiner asserts that the printer 4 depicted in Figure 1 of Hirabayashi discloses the print mechanism as recited in independent Claim 1. Applicants respectfully disagree. Although, Hirabayashi depicts a printer element, Applicants respectfully contend that Hirabayashi fails to teach, suggest, or even contemplate the configuration and operation of the print mechanism as presently claimed. Specifically, Hirabayashi fails to disclose (1) a system that includes software when executed that includes functionality when executed; (2) operating a print mechanism in a first state that disallows execution of the software (thereby preventing the functionality of the print mechanism); (3) changing the operating state of the print mechanism to a second state such that execution of software associated with a given functionality of the print mechanism is allowed (i.e., the print mechanism is enabled to perform a specific functionality associated with software).

In other words, the print mechanism in the first state does not have the functionality available, even though the software to provide the functionality is present on the system. However, upon receiving second information from the server, the state of operation of the print mechanism is changed from the first state to the second state thereby enabling the print mechanism to execute the software to obtain the functionality. Hirabayashi wholly fails to teach or suggest configuring the printer 4 in this manner. Instead, Hirabayashi simply employs the use of conventional printers that are "capable of printing based on digital contents with quality to such an extent that the copyright holder can recognize that the print does not come into collision with the identity holding right on the image to be sold." (Column 8, Lines 45-50). For at least these reasons, Applicants respectfully assert that Hirabayashi fails to anticipate independent Claim 1. Therefore, Applicants respectfully request that the rejection of independent Claim 1 and its respective dependent claims be withdrawn. Applicants note that each of independent

Claims 9, 17, and 30 have been amended to recite features substantially similar to the features of

independent Claim 1 discussed above. As such, Applicants respectfully request that the

rejections of independent Claims 9, 17, and 30 and their respective dependent claims be

withdrawn as well.

IV.   REJECTIONS 35 U.S.C. § 103

Claims 10-16, 19-23, 25-29, 31-32, and 34 - 46 stand rejected under 35 U.S.C. § 103(a)

as being unpatentable over Hirabayashi in view of U.S. Patent Application No. 2003/0112461 to

Ogura. Claims 24 and 33 stand rejected as being unpatentable over Hirabayashi in view of

Ogura and further in view of U.S. Patent No. 6,449,055 to Okimoto. Applicants respectfully

traverse these rejections for at least the reasons set forth below.

1. The cited references fail to teach or suggest operating a functional unit in a first and second state as recited in independent Claim 10.

Independent Claim 10 recites a system that includes a functional unit and a print engine

that comprises memory including software. The software, when executed, performs a

functionality for the functional unit. The system further includes:

> means for operating the functional unit in accordance with a first state and a second state, the first state disallowing execution of the software so that the functional unit does not include the functionality and the second state allowing execution of the software so that the functional unit includes the functionality...wherein the functional unit operates in accordance with the second state, the functional unit not configured to execute the software in order to perform the functionality while in the first state.

At a minimum, the proposed combination of references does not teach these elements.

In the rejection, the Examiner first relies on Hirabayashi. As discussed above with

regards to independent Claim 1, Hirabayashi fails to teach or suggest (1) a system that includes

software when executed that includes functionality when executed; (2) operating a functional

unit in a first state that disallows execution of the software; (3) changing the operating state of

the functional unit to a second state such that execution of software associated with a given functionality of the functional unit is allowed as recited independent Claim 10.
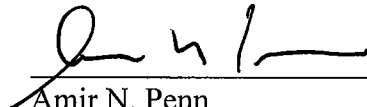
Moreover, Applicants respectfully submit that Ogura fails to remedy the shortcomings of Hirabayashi. As noted in the Office Action, the Examiner merely relies on Ogura to disclose a functional unit operable by a print engine. (Office Action, Paragraph 9). Ogura lacks any mention of the features recited above. Namely, Ogura fails to teach, suggest, or even contemplate the configuration and operation of the functional unit as presently claimed. For at least the reasons cited, Applicants respectfully assert that independent Claim 10 is patentably distinct from the cited combination of references. Therefore, Applicants respectfully request that the rejection of independent Claim 10 and its respective dependent claims be withdrawn. Applicants note that independent Claim 27 has been amended to recite features substantially similar to the features of independent Claim 10 discussed above. As such, Applicants respectfully request that the rejections of independent Claim 27 and its respective dependent claims be withdrawn as well.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact the undersigned attorney at (312) 321-4200.

Respectfully submitted,

_____March 18, 2009_____
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